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11 INTEL CORPORATION

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14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

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18 SCOTT SHEPPARD and JAY FULLER,
individuals,
Plaintiffs/Counter-Defendants,
v.
INTEL CORPORATION, INC., a Delaware
Corporation,
Defendant/Counterclaimant.

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22 PURSUANT TO CIVIL LOCAL RULE 6-2, THE PARTIES HEREBY
23 STIPULATE AND REQUEST, for the reasons specified in the accompanying declaration, that
24 this Court continue the hearing on (i) Plaintiffs' motion to dismiss Defendant's counter-complaint
25 for failure to join an indispensable party and (ii) Plaintiffs' motion for judgment on the pleadings
26 from Monday, September 21, 2009 at 9:00 a.m. to **Monday, September 28, 2009 at 9:00 a.m.**

27 Pursuant to Civil Local Rules 7-3(a) and (b), Defendant's statements of opposition
28 or non-opposition to both motions must be filed and served on Friday, September 4, 2009.



Case No. C09 00535 (JW)

**ORDER DENYING REQUEST FOR
CONTINUANCE OF HEARING ON
MOTIONS**

1 Pursuant to Civil Local Rule 7-3(c), Plaintiffs' reply briefs on both motions must be filed and
2 served on Monday, September 14, 2009. The parties must file and serve any motion alerting the
3 Court to a recent decision affecting the Two Motions by September 25, 2009.

4 **THE PARTIES FURTHER HEREBY STIPULATE AND REQUEST**, for the
5 reasons specified in the accompanying declaration, that this Court continue the Initial Case
6 Management Conference from Monday, September 21, 2009 at 10:00 a.m. to **Monday,**
7 **September 28, 2009 at 10:00 a.m.**

8 The last day that the parties may meet and confer pursuant to Fed. R. Civ. P. 26(f),
9 file an ADR Certification, and file either an ADR Stipulation or Notice of Need for ADR Phone
10 Conference will be September 4, 2009. The parties will file a joint case management conference
11 statement, including a discovery plan and initial disclosures, by September 18, 2009. The last date
12 to file and serve a motion for a telephonic appearance at the initial case management conference
13 will be September 21, 2009.

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15 Dated: August 27, 2009

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17 Intel Corporation

18 By _____ /s/ _____

19 James G. Kreissman

20 Simpson Thacher & Bartlett LLP

21 2550 Hanover Street

22 Palo Alto, California 94304

23 *Attorneys for Defendant/Counterclaimant*

24 Dated: August 27, 2009

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1 Scott Sheppard and Jay Fuller

2 By _____ /s/

3 Joseph A. White

4 Fried & Bonder, LLC

5 Promenade II, Suite 3750

6 1230 Peachtree Street, N.E.

7 Atlanta, Georgia 30309

8 *Attorneys for Plaintiffs/Counter-defendants*

9 Dated: August 27, 2009

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12 ***** ORDER *****

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Although the Court encourages the parties to continue their settlement efforts, the Court
DENIES the parties' request for a continuance of the hearing on Plaintiff's Motions currently set
for September 21, 2009 because the Court's September 28, 2009 will be highly impacted by any
additional motions at this time. In the event that the parties reach any tentative agreement and
wish the Court to not rule on the Motions, the parties may file a Status Report re: Settlement on or
before **September 16, 2009** to update the Court and make such request.

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Dated: September 1, 2009



JAMES WARE
United States District Judge

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